

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 6 through 9, 16, 18, and 19 are pending, with Claims 1 and 18 being independent. Claims 1 and 18 have been amended. The Examiner's attention is directed, e.g., to Fig. 7 and p. 18, lines 1-23, among other places; of course, the claims are not limited to the foregoing or to the disclosed embodiments.

Claims 1, 6 through 9, 16, and 19 were rejected under 35 U.S.C. § 101 as being non-statutory. All rejections are respectfully traversed, and are submitted to have been obviated by the amendment of the claims in a manner earnestly believed to avoid the grounds of rejection, viz, the claims recite an --apparatus including an image pickup device for capturing an image-- which is *per se* statutory in this case. Applicant submits that the claims are limited to a practical application in the technological arts; and that the claimed invention is not a natural phenomenon, abstract idea, law of nature, "descriptive material", or "mere manipulation of abstract ideas". MPEP 2106.

Claims 1, 6 through 9, 16, 18, and 19 were variously rejected under 35 U.S.C. §§ 102 and 103 over WO 02/077865 A1 ("WO '865"). All rejections are respectfully traversed.

Claims 1 and 18 variously recite, *inter alia*, generating second reference type data, different from the first reference type data, such that the second reference type data describes the first reference type data as a reference target so as to refer to the video data instructed to be edited by the editing instruction unit (Claim 1) or in the editing instruction step (Claim 18), in response to an instruction provided by the editing instruction unit (Claim 1) or editing instruction step (Claim 18).

However, Applicant respectfully submits that WO '865 fails to disclose or suggest at least the above-discussed claimed features as recited, *inter alia*, in Claims 1 and 18.

The Official Action relies, *inter alia*, upon WO '865 Fig. 3 item 134 regarding "EDIT ATOM", and says that this corresponds to the claimed features. Applicant respectfully traverses the foregoing, and submits that WO '865 merely discloses "EDIT ATOM" as one component of a QT structure, but is altogether silent as to the specific structure or function of the "EDIT ATOM" which therefore provides neither a description nor a suggestion of at least the above-discussed claimed features as recited, *inter alia*, in Claims 1 and 18.

Applicant further respectfully submits that there has been no showing of any indication of motivation in the cited document that would lead one having ordinary skill in the art to arrive at such features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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